

\_\_\_\_\_ of \_\_\_\_\_

(3) Any institution of higher education supported by public funds or any private not-for-profit institution of higher education, exempt from taxation under subdivision (20) of

Date \_\_\_\_\_

1 subsection 2 of section 144.030; or

2 (4) Any private not-for-profit elementary or secondary  
3 school exempt from taxation under subdivision (22) of subsection  
4 2 of section 144.030; or

5 (5) After June 30, 2008, the department of transportation  
6 or the state highways and transportation commission,

7 hereinafter collectively referred to as exempt entities, such  
8 exemptions shall be allowed for such purchases if the purchases  
9 are related to the entities' exempt functions and activities. In  
10 addition, the sales shall not be rendered nonexempt nor shall any  
11 material supplier or contractor be obligated to pay, collect or  
12 remit sales tax with respect to such purchases made by or on  
13 behalf of an exempt entity due to such purchases being billed to  
14 or paid for by a contractor or the exempt entity contracting with  
15 any entity to render any services in relation to such purchases,  
16 including but not limited to selection of materials, ordering,  
17 pickup, delivery, approval on delivery, taking of delivery,  
18 transportation, storage, assumption of risk of loss to materials  
19 or providing warranties on materials as specified by contract,  
20 use of materials or other purchases for construction of the  
21 building or other facility, providing labor, management services,  
22 administrative services, design or technical services or advice  
23 to the exempt entity, whether or not the contractor or other  
24 entity exercises dominion or control in any other manner over the

1 materials in conjunction with services or labor provided to the  
2 exempt entity.

3 2. When any exempt entity contracts for the purpose of  
4 constructing, repairing or remodeling facilities, and purchases  
5 of tangible personal property and materials to be incorporated  
6 into or consumed in the construction of the project are to be  
7 made on a tax-exempt basis, such entity shall furnish to the  
8 contractor an exemption certificate authorizing such purchases  
9 for the construction, repair or remodeling project. The form and  
10 content of such project exemption certificate shall be approved  
11 by the director of revenue. The project exemption certificate  
12 shall include but not be limited to:

13 (1) The exempt entity's name, address, Missouri tax  
14 identification number and signature of authorized representative;

15 (2) The project location, description, and unique  
16 identification number;

17 (3) The date the contract is entered into, which is the  
18 earliest date materials may be purchased for the project on a  
19 tax-exempt basis;

20 (4) The estimated project completion date; and

21 (5) The certificate expiration date.

22 Such certificate is renewable for a given project at the option  
23 of the exempt entity, only for the purpose of revising the  
24 certificate expiration date as necessary to complete the project.

1           3. The contractor shall furnish the certificate prescribed  
2 in subsection 2 of this section to all subcontractors, and any  
3 contractor purchasing materials shall present such certificate to  
4 all material suppliers as authorization to purchase, on behalf of  
5 the exempt entity, all tangible personal property and materials  
6 to be incorporated into or consumed in the construction of that  
7 project and no other on a tax-exempt basis. Such suppliers shall  
8 execute to the purchasing contractor invoices bearing the name of  
9 the exempt entity and the project identification number. Nothing  
10 in this section shall be deemed to exempt the purchase of any  
11 construction machinery, equipment or tools used in constructing,  
12 repairing or remodeling facilities for the exempt entity. All  
13 invoices for all personal property and materials purchased under  
14 a project exemption certificate shall be retained by the  
15 purchasing contractor for a period of five years and shall be  
16 subject to audit by the director of revenue.

17           4. Any excess resalable tangible personal property or  
18 materials which were purchased for the project by a contractor  
19 under a project exemption certificate but which were not  
20 incorporated into or consumed in the construction of the project  
21 shall either be returned to the supplier for credit or the  
22 appropriate sales or use tax on such excess property or materials  
23 shall be reported on a return and paid by such contractor not  
24 later than the due date of the contractor's Missouri sales or use

1 tax return following the month in which it was determined that  
2 the materials were not to be used in the project.

3 5. No contractor or material supplier shall, upon audit, be  
4 required to pay tax on tangible personal property and materials  
5 incorporated into or consumed in the construction of the project,  
6 due to the failure of the exempt entity to revise the certificate  
7 expiration date as necessary to complete any work required by the  
8 contract. If it is determined that tax is owed on such property  
9 and materials due to the failure of the exempt entity to revise  
10 such certificate expiration date, the exempt entity shall be  
11 liable for the tax owed.

12 6. If an entity issues exemption certificates for the  
13 purchase of tangible personal property and materials which are  
14 incorporated into or consumed in the construction of its project  
15 and such entity is found not to have had the authority granted by  
16 this section to issue such exemption certificates, then such  
17 entity shall be liable for the tax owed on such personal property  
18 and materials. In addition, if an entity which does have the  
19 authority granted by this section to issue exemption certificates  
20 issues such certificates for the purchase of tangible personal  
21 property and materials which are incorporated into or consumed in  
22 the construction of a project, or part of a project, which is  
23 found not to be related to such entity's exempt functions and  
24 activities, then such entity shall be liable for the tax owed on

1     such personal property and materials."; and

2             Further amend said title, enacting clause and intersectional

3     references accordingly.